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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/761,233	01/22/2004	Masao Kaneko	P69453US0	2034

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EXAMINER

PHAM, LAM P

ART UNIT PAPER NUMBER

2636

DATE MAILED: 06/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/761,233

Applicant(s)

KANEKO, MASAO

Examiner

Lam P. Pham

Art Unit

2636

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 January 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 2 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 and 2 is/are rejected.
- 7) ☒ Claim(s) 1 and 2 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Objections

1. Claim 1 and 2, line 4 objected to because of the following informalities: the word "intension" should change to "intention". Appropriate correction is required.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Regarding claims 1 and 2 (line 4), the phrase "for example" renders the claim indefinite because it is unclear whether the limitation(s) following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

Regarding claims 1 and 2 (line 12), the phrase "such as" renders the claim indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1 and 2 rejected under 35 U.S.C. 102(b) as being anticipated by **Dimino** (US 5918180).

Regards claim 1, Dimino disclose a position movement alarm system for, when an owner of a movable goods places or stores the movable goods in a place out of the owner's monitor range and the movable goods moves opposing to an intention of the owner comprising: a position information monitor-alarm terminal (GTS 10) installed in the movable goods for transmitting an alarm signal and a new position information of a fact of movement of the movable goods from its original position, having a position information receiving function (GPS receiver 12), a cellular phone receiving function (cellular telephone 14) and an automatic transmission function to a cellular phone terminal (computer) having GPS position information processing function (mapping software) of the owner automatically and directly by means of no third person as seen in figures 1, 7, 9; col. 3, lines 60-67; col. 4, lines 1-21; col. 6, lines 47-67; col. 7, lines 1-15 and 34-67; col. 8, lines 1-67; col. 9, lines 1-4.

Regards claim 2, Dimino disclose a position movement alarm system for, when an owner of a movable goods places or stores the movable goods in a place out of the owner's monitor range and the movable goods moves opposing to an intention of the owner comprising: a position information monitor-alarm terminal (10) installed in the movable goods for transmitting an alarm signal and a new position information of a fact of movement of the movable goods from its original position, having a position information receiving function (12), a cellular phone receiving function (14) and an automatic transmission function to a cellular phone terminal having GPS position information processing function of the owner

automatically and directly by means of no third person, wherein a position information from GPS satellites is received and stored at every previously determined time interval (half hour, periodically), the stored position information is automatically compared with a new position information newly transmitted from GPS satellite at a time (periodically seen in col. 6, lines 52-65) instructed by owner's cellular phone terminal provided with GPS position information processing function, when a difference between two information values surpasses a previously-determined error range (500 ft), the alarm signal and a new position information are automatically transmitted to the cellular phone terminal provided with GPS position information processing function as seen in figures 1, 7, 9; col. 3, lines 60-67; col. 4, lines 1-21; col. 6, lines 47-67; col. 7, lines 1-15 and 34-67; col. 8, lines 1-67; col. 9, lines 1-4.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Naitou (US 6801124) disclose a moveable object burglar alarm.

Teckchandani et al. (US 6816090) disclose a mobile asset security and monitoring system.

Jones (US 6486801) discloses a route deviation monitoring station.

Yoshioka et al. (US 6262655) disclose an emergency reporting system.

Andre et al. (US 2003/0151507) disclose an automotive security and monitoring system.

Mitsui (US 2003/0151500) discloses a moving object tracking system.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lam P. Pham whose telephone number is 571-272-2977. The examiner can normally be reached on 9AM-6PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffery A. Hofsass can be reached on 571-272-2981. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Lam Pham
June 9, 2005.



JEFFERY HOFSSASS
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